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UNITED STATES DISTRICT COURT  
Northern District of California  
Oakland Division

DIANE MCKINZY,

No. C 10-01866 CW (LB)

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER  
CORPORATION, *et al.*,

Defendants.

**NOTICE OF REFERRAL AND  
ORDER RE DISCOVERY  
PROCEDURES**

[ECF Nos. 42 and 43]]

**TO ALL PARTIES AND COUNSEL OF RECORD:**

The district court has referred Plaintiff Diane McKinzy's motion to compel and motion to shorten time, electronically filed on June 15, 2011 at ECF Nos. 42 and 43, which are discovery matters, to United States Magistrate Judge Laurel Beeler. ECF No. 45. In its referral order, the district court vacated the hearing date for the motion. *Id.*

The court **DENIES** the pending discovery motions without prejudice and directs the parties to comply with the procedures for addressing discovery disputes set forth in Judge Beeler's standing order (attached). Those procedures require, among other things, that if a meet-and-confer by other means does not resolve the parties' dispute, lead counsel for the parties must meet and confer **in person**. If that procedure does not resolve the disagreement, the parties must file a joint letter instead of a formal motion. After reviewing the joint letter, the court will evaluate whether further proceedings are necessary, including any further briefing or argument.

Given the timing issues, the court supplements and modifies its standing order. The court orders

1 the parties to complete the meet-and-confer process by June 27, 2011. If the parties decide to file a  
2 joint letter, the joint letter shall be submitted by July 1, 2011. Cf. Local Rule 37-3 (requiring any  
3 motion to compel to be filed within 7 days of the close of discovery).

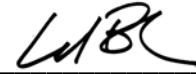
4 In the interests of facilitating a productive meet-and-confer session, the court offers the  
5 following guidance. First, the court liberally construes the filings and motions of pro se litigants.  
6 *See Thomas v. Ponder*, 611 F.3d 1144, 1150 (9th Cir. 2010). Second, the Federal Rules of Civil  
7 Procedure provide for liberal discovery. Fed. R. Civ. P. 26(b)(1). Third, despite a constitutionally-  
8 based right of privacy that may be raised in response to discovery requests, personnel files may be  
9 discoverable. *See Kerr v. United States District Court*, 511 F.2d 192, 197 (9th Cir. 1975); *Ragge v.*  
10 *MCA/Universal Studios*, 165 F.R.D. 601, 604 (C.D. Cal. 1995); *E.E.O.C. v. County of San Benito*,  
11 818 F.Supp. 289, 291 (N.D. Cal. 1993) (ordering county to produce documents relevant to  
12 investigation of sex discrimination charges). In this context, a properly drafted protective order may  
13 address concerns about privacy. *See Soto v. City of Concord*, 162 F.R.D. 603, 616 (N.D. Cal. 1995).  
14 Fourth, boilerplate, generalized objections are inadequate. *See Burlington N. & Santa Fe Ry. Co. v.*  
15 *United States Dist. Ct. of Mont.*, 408 F.3d 1142, 1149 (9th Cir. 2005).

16 The court also attaches the Northern District of California's Handbook for Litigants without a  
17 Lawyer.

18 This disposes of ECF Nos. 42 and 43.

19 **IT IS SO ORDERED.**

20 Dated: June 22, 2011

  
LAUREL BEELER  
United States Magistrate Judge

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